



THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

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June 19, 1998

Docket Clerk
U.S. DOT Dockets
Room PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

RF: Docket No. FHWA-98-3706 ~ 3 -7

Dear Sir:

The Associated General Contractors of America (AGC) is a national association representing 32,500 construction related businesses including 7400 of the nation's leading general contracting firms. Many AGC members operate trucks in their construction operations. These members are significantly impacted by the Federal Highway Administration's (FHWA's) hours of service restrictions for drivers of commercial motor vehicles. AGC believes that construction industry truck drivers operate under conditions and in a manner that does not lead to the fatigue or alertness problems that impact safe vehicle performance. Therefore, AGC believes that the hours of service restrictions are unnecessary for construction industry truck drivers. We recommend that the construction industry be exempted from the hours of service restrictions.

Short of providing an exemption for construction industry drivers, AGC believes that the regulations should be made as flexible and easy to comply with as possible. The April 20, 1998 notice of proposed rule making (NPRM) has the potential for making these already burdensome regulations more so. Construction companies have individually developed their own systems for verifying their truck drivers' records of duty status (RODS) and hours of service (HOS). Many of these systems include the use of many of the documents listed in the NPRM. These firms should be allowed to continue to use their own system of verification. A brief written explanation of the company's system of verifying the RODS and HOS should be sufficient to satisfy the Congressional mandate.

All of the documents listed in the NPRM are used by construction companies for a variety of purposes unrelated to RODS and HOS. These documents are therefore maintained in

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files related to specific jobs, in tax files and numerous other files. FHWA should not require that these documents be duplicated and maintained in yet another file for meeting the HOS verification requirement. Ready access to these documents should be sufficient for meeting FHWA's needs. The regulation should specifically state this.

There is a wide variance in the construction industry concerning the use of electronic tiling systems, particularly the transfer of paper documents to electronic format. Companies that make use of electronic storage should be allowed to use these files for HOS verification. However, there should be no effort to force companies that do not use electronic file storage to do so to meet FHWA regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Deery/lw". The signature is fluid and cursive, with the first name "Brian" being more prominent than the last name "Deery".

Brian Deery
Senior Director
Highway Division